



Ordinance Number 530

AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE OF THE TOWN ELSMERE

Sponsored By: Thomas S. Novak, Jr., 3rd District Councilman

First and Second Reading:
April 14, 2011

Results: **Passed 6 In Favor, 0 Opposed, with 1 Absent**

Third and Final Reading:
May 12, 2011

Results: **Defeated 0 In Favor, 6 Opposed, with 1 Absent**

Ordinance Number 530

AN ORDINANCE TO AMEND CHAPTER 79 OF THE CODE OF THE TOWN ELSMERE

WHEREAS, the Mayor and Council of the Town of Elsmere have been made aware of confusion which exist in the interpretation of items which are permitted in the Code, and;

WHEREAS, the Mayor and Council wish to clarify their intentions and remove any confusion in interpretation of the Code.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

That Section 79-2. Exceptions, of Chapter 79 be deleted in its entirety and a new Section 79-2 as listed below be inserted in its place.

§ 79-2. Exceptions.

The use of road flares, smudge pots, and similar devices associated with safety or occupational uses typically considered open flames or the following recreational fires: cooking fires such as barbecue grills; **commercially manufactured** patio fire pits, or chiminea; and ceremonial bonfires conducted by established groups such as schools, Indian tribes, or other recognized organizations **when approved in the form of a permit issued by the State of Delaware Fire Marshall's Office** shall not be considered or known as "open burning" and therefore shall not be prohibited by this chapter.

April 14, 2011
First and Second Reading

May 12, 2011
Third and Final Reading

Deborah A. Norkavage, Mayor

Joann I. Personti, Secretary

Approved As To Form
Edward McNally, Town Solicitor

SYNOPSIS:

This Ordinance amends Chapter 79 by deleting "Campfires" since there is no clear definition of the size of a campfire. It also makes it clear that patio fire pits, or chiminea's must be commercially manufactured and requires permits from the State Fire Marshall's Office for ceremonial bonfires conducted by established groups such as schools, Indian tribes, or other recognized organization.

Fiscal Impact:

None